



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

MAIL STOP: MISSING PARTS

Tomoyuki SHIMIZU et al.

Customer No.: 37013

Serial No.: 10/822,342

Group Art Unit: 2171

Filed: April 12, 2004

Examiner:

For: UPDATE NOTIFYING APPARATUS, UPDATE NOTIFYING METHOD, AND
PROGRAM THEREFOR

Certificate of Mailing

I hereby certify that this paper is being deposited with the
United States Postal Service as first class mail in an
envelope addressed to: Commissioner for Patents, P.O.
Box 1450, Alexandria VA 22313-1450 on:

Date: 12/14/04

By: Marc A. Rossi
Marc A. Rossi

**RESPONSE TO MISSING PARTS WITH
REQUEST TO RESET RESPONSE PERIOD**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Missing Parts having a mailing date of June 30, 2004
applicants would like to bring to the attention of the Office the following information regarding
the above-referenced application and request a resetting of the response period.

1. Upon filing the application, applicants' representative authorized the Patent Office to
charge the payment of the basic filing fee and the assignment recordation fee to Deposit Account
18-2056. The recordation fee was debited by the Patent Office but the filing fee was not.

2. Apparently, unknown to the undersigned, there were insufficient funds in the Deposit Account to cover the fees when the Office attempted to make the charge. The Patent Office did not notify applicants of the shortage of funds and applicants were unaware of the problem.

3. In the meantime, applicants did not receive an Official Filing Receipt from the Patent Office. On October 12, 2004, applicants filed a Request for Filing Receipt (see attached copy of Request for Filing Receipt with copy of stamped receipt postcard). To date, no response to the request has been received.

4. On December 8, 2004, applicant's representative placed a phone call to the OIPE regarding the non-receipt of the Official Filing Receipt and was told by Patent Office personnel that the Official Filing Receipt had been mailed on June 30, 2004. The OIPE faxed a copy of the Official Filing Receipt to the undersigned on December 9, 2004.

5. Included with the fax transmission of the Official Filing Receipt was a Notice to File Missing Parts. As with the Official Filing Receipt, no Notice to File Missing Parts had ever been received by the applicants. Accordingly, the first time that applicants became aware of the Notice to File Missing Parts was on December 9, 2004 when it was received concurrent with the requested copy of the Official Filing Receipt.

6. As applicants never received the Notice of Missing Parts nor the Official Filing Receipt, it must be assumed that the documents were not properly mailed by the Patent Office.

7. Further, had the Patent Office properly responded to applicants' request of October 12, 2004, applicants would have been aware of the issuance of the Notice of Missing Parts approximately two months earlier.

8. In view of the above, applicants submit that the response deadline for the Notice of Missing Parts should be reset. The Patent Office failed to properly mail the Official Filing

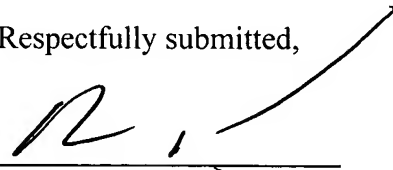
Receipt and the Notice of Missing Parts. Further, the Patent Office failed to timely respond to applicants inquiry regarding the lack of receipt of the Official Filing Receipt. As a result, applicants did not receive the Notice to File Missing Parts until the sixth month after the mailing date.

10. Applicants now submit herewith the response to the Notice of Missing Parts, namely, the required copy of the Notice of Missing Parts and the fee. The Commissioner is authorized to charge Deposit Account 18-2056 the required filing fee of \$770.00, the additional claim fee of \$172.00 and the surcharge of \$130.00.

11. Applicants submit that the present application should not be subject to the increase in fees that became effective December 8, 2004, as applicants would have been able to timely respond prior to the fee increase had the Patent Office properly mailed the Notice of Missing Parts or responded to applicants' inquiry. However, should the Commissioner determine that the new fees apply, the Commissioner is authorized to charge any additional fees required to maintain the pendency of this application to Deposit Account 18-2056.

12. As applicants have requested that the response period be reset, it is believed that applicants should not be required to file an extension of time. However, should the Commissioner determine that the facts do not warrant a resetting of the response period, then applicants hereby petition for a four-month Extension of Time. The Commissioner is hereby authorized to charge the extension fee of \$1590.00 to Deposit Account 18-2056.

Respectfully submitted,



Marc A. Rossi
Registration No. 31,923

12/14/04

Date

Attorney Docket: CANO:134
ROSSI & ASSOCIATES
(703) 726-6020



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/822,342	04/12/2004	Tomoyuki Shimizu	CANO:134

37013
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ASHBURN, VA 20146-0826

CONFIRMATION NO. 3120

FORMALITIES LETTER



OC000000013108014

Date Mailed: 06/30/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$172 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1072 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$ 172

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12/20/2004 WABDEL1 0000088 182056 10822342
01 FC:1001 790.00 DA
02 FC:1051 130.00 DA
03 FC:1201 400.00 DA

- \$172 for 2 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

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